

1
2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 SAMUEL HOWARD,

6 Plaintiff

Case No. 2:20-cv-00462-GMN-NJK

ORDER

7 v.

8 REBECCA BOYD, *et al.*,

9 Defendants
10

11 **I. DISCUSSION**

12 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
13 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. Docket No. 1-1.
14 Plaintiff has advised the Court that he enclosed the \$400 filing fee for this action (cover letter at
15 Docket No. 1-2); however, there was no filing fee payment located in the envelope with Plaintiff’s
16 filing. Therefore, Plaintiff has neither paid the full filing fee for this matter nor filed an application
17 to proceed *in forma pauperis*.

18 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
19 application to proceed *in forma pauperis* and attach both an inmate account statement for the past
20 six months and a properly executed financial certificate. The Court will retain Plaintiff’s civil
21 rights complaint, Docket No. 1-1, but will not file it until the matter of the payment of the filing
22 fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma*
23 *pauperis*, or in the alternative, pay the full filing fee for this action by April 10, 2020. If Plaintiff
24 chooses to file an application to proceed *in forma pauperis*, he must file a fully complete
25 application to proceed *in forma pauperis*, including both an inmate account statement for the past
26 six months and a properly executed financial certificate.
27
28

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order, dismissal of this action may result.

DATED: March 10, 2020.


NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE